

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Xtratyme Technologies Inc.,

Debtor.

Chapter 7

BKY No. 01-45284-NCD

John R. Stoebner, Trustee,

Plaintiff.

ADV No. 04-4093-NCD

vs.

REPLY TO COUNTERCLAIM

Farmgard Products Corporation,

Defendant.

For his Reply to the Counterclaim of Defendant Farmgard Products Corporation, Plaintiff John R. Stoebner, Trustee of the bankruptcy estate of Xtratyme Technologies, Inc., states and alleges as follows:

FIRST DEFENSE

1. Answering paragraph 1 of Defendant's Counterclaim, Plaintiff states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and thereby denies the same.

2. Answering paragraph 2 of Defendant's Counterclaim, Plaintiff states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and thereby denies the same.

3. Answering paragraph 3 of Defendant's Counterclaim, Plaintiff states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and thereby denies the same.

4. Answering paragraph 4 of Defendant's Counterclaim, Plaintiff states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and thereby denies the same.

5. Answering paragraph 5 of Defendant's Counterclaim, Plaintiff states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and thereby denies the same.

6. Plaintiff denies paragraph 6 of Defendant's Counterclaim.

7. Plaintiff restates paragraphs 1 through 6 of this Reply to Counterclaim.

8. Answering paragraph 8 of Defendant's Counterclaim, Plaintiff states that he is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and thereby denies the same.

9. Plaintiff denies paragraph 9 of Defendant's Counterclaim.

10. Plaintiff denies paragraph 10 of Defendant's Counterclaim.

11. Except to the extent, if any, expressly admitted herein, Plaintiff denies each and every allegation, matter, statement, and thing contained in Defendant's Counterclaim.

SECOND DEFENSE

29. Defendant's Counterclaim fails to state a claim upon which relief may be granted.

THIRD DEFENSE

30. Defendant's Counterclaim is barred in whole or in part by the claims set forth in Plaintiff's Complaint.

WHEREFORE Plaintiff hereby requests the following relief:

- A. Judgment in favor of Plaintiff and against Defendant dismissing Defendant's Counterclaim with prejudice and on the merits;
- B. Judgment in favor of Plaintiff and against Defendant denying the relief requested in Defendant's Counterclaim;
- C. Judgment in favor of Plaintiff and against Defendant awarding to Plaintiff the relief requested in Plaintiff's Complaint; and
- D. Judgment awarding Plaintiff his costs and disbursements herein.

LAPP, LIBRA, THOMSON, STOEbNER &
PUSCH, CHARTERED

Dated: April 14, 2004

By /e/ John R. Stoebner
John R. Stoebner (#140879)
David A. Harbeck (#238594)
One Financial Plaza, Suite 2500
120 South Sixth Street
Minneapolis, MN 55402
(612) 338-5815

Attorneys for Plaintiff

VERIFICATION

John R. Stoebner, Trustee, Plaintiff herein, declares under penalty of perjury that he has read the foregoing Complaint and that the facts set forth therein are true and correct according to the best of his knowledge, information, and belief.

/e/ John R. Stoebner
John R. Stoebner

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Chapter 7
BKY No. 01-45284-NCD
Xtratyme Technologies Inc.,

Debtor.

John R. Stoebner, Trustee

ADV No. 04-4093-NCD

Plaintiff,

vs.

Farmgard Products Corporation,

Defendant.

UNSWORN CERTIFICATE OF SERVICE

I, Sarah L. Fortin, declare under penalty of perjury that on April 14, 2004, I mailed by U.S. Mail copies of the attached **Reply to Counterclaim** to each entity named below at the address stated for each entity:

Farmgard Products Corporation
c/o Thomas P. Melloy
Gray Plant Mooty
500 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-3796

Office of the United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Executed on: April 14, 2004

/e/ Sarah L. Fortin
Sarah L. Fortin, Legal Administrative Assistant
Lapp, Libra, Thomson, Stoebner &
Pusch, Chartered
120 South Sixth Street, Suite 2500
Minneapolis, MN 55402
612-338-5815